REMARKS

Claims 1-10, all the claims pending in the application, have been rejected under 35

U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,953,338 to Ma (hereinafter

"Ma"). Applicants respectfully traverse the rejection.

For example, claim 1 recites a method which includes, *inter alia*, identifying a virtual

connection out of a plurality of provisioned virtual connections capable of guaranteeing a quality

of service between a user and an access server, checking whether the virtual connection can

convey a bandwidth, and allowing or disallowing the data stream to be delivered over the virtual

connection. The identifying, checking, and allowing or disallowing are performed after the user

has requested a data stream from a content provider, and if the user lacks support for negotiating

or acknowledging the bandwidth through the access network with the quality of service.

In the Amendment filed May 29, 2007, Applicants argued that Ma does not teach the

above features of claim 1. In response, the Examiner cites col. 4, lines 7-17, asserting merely

that Ma teaches a control module which determines whether a virtual connection has available

capacity, then dynamically and continuously allows for greater use of the available capacity of

the networks. However, the cited portion discloses that if certain requirements are met, the

control module allows the virtual connection *to be set up*. Furthermore, Col. 13, lines 18-58

provides a more detailed description of this procedure and discloses that bandwidth manager

module 150 *creates or destroys* virtual channels within virtual paths as needed. In col. 7, lines 5-

8, Ma discloses that the control module determines whether to admit or reject a request to allow a virtual connection *to be set up.*

Ma discloses, in the portion cited by the Examiner and in other sections, that virtual connections are established or released as needed, rather than being initially provisioned or pre-established. Thus, Ma does not teach or suggest *identifying* a virtual connection with the right quality of service and with enough bandwidth, among a plurality of *provisioned* virtual connections.

Because Ma does not teach all of the features of claim 1, Applicants submit that the claim is not anticipated by Ma. Applicants also submit that claims 2-6, being dependent on claim 1, are patentable at least by virtue of their dependency.

Independent claim 7 recites features similar to those discussed above in conjunction with claim 1. Thus, Applicants submit that claim 7 is patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants also submit that claims 8-10, being dependent on claim 7, are patentable at lest by virtue of their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116   Attorney Docket No. Q76293
Application No. 10/612,089

     The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

                                        Respectfully submitted,

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